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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JESSE CARTER)
)
and)
)
CHERIE R. HOKAMURA,)
)
Defendants.)

No. CR 09-0444 CRB

**AMENDED [~~PROPOSED~~] ORDER OF
DETENTION OF DEFENDANT JESSE
CARTER**

The defendant JESSE CARTER came before this Court on June 2, 2009 for a detention hearing. The defendant was present and represented by Sara Reif, Esq. Special Assistant United States Attorney David J. Ward represented the United States.

The government requested detention, submitting that no condition or combination of conditions would reasonably assure the appearance of the defendant as required and the safety of of any other person and the community.

Pretrial Services submitted a report recommending detention until placement in a

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1 residential drug treatment facility could be secured.

2 Upon consideration of the Pretrial Services report, the court file and the party proffers as
3 discussed below, the Court finds by clear and convincing evidence that no condition or
4 combination of conditions will reasonably assure the safety of any other person and the
5 community. The Court orders the defendant detained.

6 The present order supplements the Court's findings at the detention hearing and serves as
7 a written findings of fact and statement of reasons as required by 18 U.S.C. § 3142(I).

8 The Bail Reform Act of 1984, 18 U.S.C. §§ 3141-50, sets forth the factors which the
9 Court must consider in determining whether pretrial detention is warranted. In coming to its
10 decision, the Court has considered those factors, paraphrased below:

- 11 (1) the nature and seriousness of the offense charged;
- 12 (2) the weight of the evidence against the person;
- 13 (3) the history and characteristics of the person including, among other considerations,
- 14 employment, past conduct and criminal history, and records of court appearances; and
- 15 (4) the nature and seriousness of the danger to any person or the community that would
- 16 be posed by the person's release.

17 18 U.S.C. § 3142(g).

18 In considering all of the facts and proffers presented at the hearing, the Court finds the
19 following factors among the most compelling in reaching its conclusion that no combination of
20 conditions could reasonably assure the community's safety. First, the defendant has a lengthy
21 criminal history, including convictions for multiple felonies and weapons charges. Second,
22 among the defendant's felony convictions are two convictions related to the crime of identity
23 theft. Third, the current charges against the defendant appear to arise from a sophisticated
24 identity theft operation.

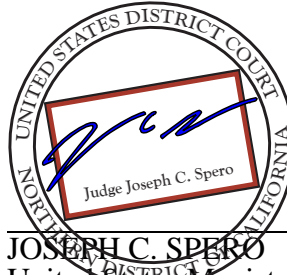
25 Accordingly, pursuant to 18 U.S.C. § 3142(I), IT IS ORDERED THAT:

- 26 (1) the defendant is committed to the custody of the Attorney General for confinement in
- 27 a corrections facility separate, to the extent practicable, from persons awaiting or serving
- 28 sentences or being held in custody pending appeal;

(2) the defendant be afforded reasonable opportunity for private consultation with his counsel; and

(3) on order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

Dated: 6/4/9



JOSEPH C. SPERO
United States Magistrate Judge